IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 237 OF 2004.

IN

FAMILY COURT APPEAL NO.23 OF 2001.

Shri Ajay Sayajirao Desai. ... Applicant.

V/s.

Sou Rajeshree Ajay Desai. ... Respondent.

Shri D.M.Gupte, advocate for the applicant.

Shri Ajit Kulkarni, advocate for the respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE,JJ

DATE: JANUARY 10, 2005.

P.C. :

1. Heard both the sides.

2. This is an application for stay of proceedings pending in the Family Court at Pune, bearing No.PC/76/2001. This proceeding is for getting maintenance under section 18 and separate residence. The ground made out by the respondent wife in the said petition is that the husband has deserted her and therefore she prays for both the reliefs. The present appeal which is pending before us arises from divorce petition which has been filed by the husband on the ground of cruelty and desertion and therefore, issues involved in both the matters are not one and the same. Apart

from that separate petition for maintenance and separate residence is filed. It is brought to our notice that except delivery of Judgment, every procedure in the Family Court is completed. If it is decided adverse to the present appellant/applicant, applicant can challenge that order and in that eventuality, both the matters can be decided by this Court. We therefore, do not find any merit in this application. Hence dismissed.

(D.B.BHOSALE,J) **(S.B.MHASE,J)**

Login: ast/sbm